

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff(s),

v.

OMAR RIVERA LERMA, et al.,

Defendant(s).

CASE NO. CR23-0172-KKE

ORDER CONTINUING TRIAL DATE AND
PRETRIAL DEADLINES

This matter comes before the Court on Ernestor Lopez Perez's uncontested motion to continue trial and pretrial motions deadlines (Dkt. No. 55).¹ The Court has considered the reasons for the motion, the agreement of the parties, and the file herein. The Court FINDS:

1. Taking into account the exercise of due diligence, a failure to grant a continuance in this case would deny counsel for the defendants the reasonable time necessary for effective preparation due to counsel's need for more time to review the evidence, consider possible defenses, and gather evidence material to the defense, as set forth in 18 U.S.C. § 3161(h)(7)(B)(iv); and

¹ The Court has received notices of joinder and waivers of speedy trial rights from all defendants in the above-captioned case. Dkt. No. 53 (waiver of speedy trial by Ernestor Lopez Perez); Dkt. Nos. 51 & 56 (waiver of speedy trial and notice of joinder by Omar Rivera Lerma); Dkt. Nos. 57 & 58 (waiver of speedy trial and notice of joinder by Sergio Rubio Pacheco); Dkt. Nos. 59 & 60 (waiver of speedy trial and notice of joinder from Francisco Capado-Gonzalez).

2. a failure to grant such a continuance in this proceeding would likely result in a miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and
3. the ends of justice will be best served by a continuance, and the ends of justice outweigh the best interests of the public and the defendant in any speedier trial, as set forth in 18 U.S.C. § 3161(h)(7)(A); and
4. the additional time requested between the current trial date of January 8, 2024 and the new trial date is necessary to provide counsel for the defendants the reasonable time necessary to prepare for trial, considering counsel's schedule and the facts set forth above.

The joint motion (Dkt. No. 55) is GRANTED. The trial date as to all defendants in this matter shall be continued to 9:30 a.m. on November 4, 2024. Pretrial motions, including motions in limine, shall be filed no later than September 27, 2024.

IT IS ORDERED that the period of delay from the date of this order to the new trial date of November 4, 2024, is excludable time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

Dated this 14th day of December, 2023.



Kyemberly K. Evanson
United States District Judge